



Midpeninsula Regional
Open Space District

R-23-135
Meeting 23-32
November 8, 2023

AGENDA ITEM 78

AGENDA ITEM

Approval of Salary Adjustments and Classification and Compensation Plan for Board Appointee General Counsel

BOARD APPOINTEE EVALUATION COMMITTEE'S RECOMMENDATIONS

As a result of the Board of Director's (Board) evaluation of the performance of the Midpeninsula Regional Open Space District's (District) Board Appointees for Fiscal Year 2022-23 (FY23), the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Counsel for FY24: Adjust the General Counsel's base salary upward to \$274,070, plus a one-time merit pay bonus of \$13,704.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments. The Board Appointee salary changes will be adopted through the Board approved Classification and Compensation Plan.

DISCUSSION

The Board Appointee Evaluation (BAE) Committee was established to conduct the evaluation process for its Appointees. The BAE Committee was instructed to serve as the District's negotiator and met with the Board Appointees to discuss their performance and compensation. The Board has three appointees: the General Manager, the Controller, and the General Counsel.

The Board, working through the BAE Committee, implemented this process and completed this year's annual evaluation of the performance of the General Counsel, during the summer through fall of 2023.

The General Counsel met all performance goals and standards as well as critical deadlines for FY23. The Board is very pleased with the General Counsel's accomplishments and overall performance during FY23. Key accomplishments include deftly handling various lawsuits and key real property transactions including Cloverdale Ranch and Johnston, coordination with partner agencies on matters such as Lehigh quarry, and property management issues including Bear Creek Stables.

The General Counsel has assembled and retained a strong team and her department has been fully staffed for much of FY23. She has helped her team provide strong and consistent legal support in an evolving hybrid work environment with differing department work-from-home arrangements.

The Board is also pleased with General Counsel’s selection and use of outside counsel to complement her team and her relationship with legal teams in partner agencies like Santa Clara County and San Mateo County. General Counsel was very helpful with the on-boarding process for the two new Board members, and she continues to be very available to the Board as needed for any legal matters.

The BAE Committee recommends an increase in the General Counsel’s base salary as noted above after comparisons were made with the market and comparable agencies. Additionally, due to her outstanding performance in FY23, the BAE Committee recommends providing the General Counsel with a one-time merit bonus as noted above. Salary changes will be adopted through the Board approved Classification and Compensation Plan.

BOARD COMMITTEE REVIEW

The recommended performance review and salary adjustments were thoroughly reviewed by the Board Appointee Evaluation Committee, prior to review by the Board.

FISCAL IMPACT

For the General Counsel: Total of the annual salary plus one-time adjustment equals \$274,070 with a one-time merit pay bonus of \$13,704.

PUBLIC NOTICE

All public noticing requirements of the Brown Act have been met. No additional notice is necessary.

CEQA COMPLIANCE

This item is not subject to the California Environmental Quality Act (CEQA).

NEXT STEPS

If approved, the compensation adjustment and merit bonus will be implemented as set out in the Resolution attached.

Attachments:

1. Resolution Approving Salary Adjustment and Amended Employment Agreement for General Counsel

Submitted by: Board Appointee Evaluation Committee
Director Kishimoto
Director MacNiven
Director Riffle, Chair

Staff Contact:
Candice Basnight, Human Resources Manager

RESOLUTION NO. 23-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING AN AMENDED CLASSIFICATION AND COMPENSATION PLAN, A SALARY INCREASE AND A ONE-TIME MERIT PAY BONUS FOR THE DISTRICT'S GENERAL COUNSEL

WHEREAS, effective July 11, 2018, the Board of Directors of the Midpeninsula Regional Open Space District entered into a District General Counsel Employment Agreement (“Agreement”) with Hilary Stevenson, employing her as the District's General Counsel; and

WHEREAS, the Agreement provides for an annual review of the General Counsel's performance and determination of meritorious pay, which the Board has completed; and

WHEREAS, the Board is very pleased with the General Counsel's superior and outstanding performance during this evaluation period. She provided excellent legal advice especially during a very challenging year and kept the Board informed of all legal matters requiring attention. She met or exceeded all the goals previously set for her during her last review; and

WHEREAS, the Board, based on its annual review of the General Counsel's performance and comparisons with the market and comparable agencies, and based on her outstanding performance during FY2022-23 desires to adjust the General Counsel's base salary upward to \$274,070, plus a one-time merit pay bonus of \$13,704.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Midpeninsula Regional Open Space District as follows:

1. The General Counsel's base salary shall be adjusted to \$274,070 retroactive to July 1, 2023, for Fiscal Year 2023-24.
2. The relevant portion of the District's Classification and Compensation Plan shall be amended to reflect the following:

Board Appointee Group Compensation	Hourly	Monthly	Annual	Effective	Last Revised
General Counsel	\$131.7644	\$22,839	\$274,070	7/1/2023	11/8/2023

3. The Board grants the General Counsel a one-time merit pay bonus of \$13,704.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on November 8, 2023, at a regular meeting thereof, by the following vote:

AYES:
NOES:

ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Craig Gleason, Secretary
Board of Directors

Yoriko Kishimoto, President
Board of Directors

APPROVED AS TO FORM:

Gary Baum, Special Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Maria Soria, District Clerk